



THE METROPOLITAN WASHINGTON EAR, INC.

A radio reading service for the blind and physically handicapped

A NON-PROFIT CORPORATION

Margaret Rockwell Pfanstiehl, Ed.D.
President

March 29, 1996 **DOCKET FILE COPY ORIGINAL**

In the Matter of) MM Docket No. 95-176

Closed Captioning
and Video Description)

Reply Comments of
The Metropolitan Washington Ear
Margaret R. Pfanstiehl, Ed.D. Founder and President
Co-founder of the audio description movement
Co-founder of the Movie Access Coalition

Reply Comments

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We speak for a coalition of 17 leading organizations (see p. 10) concerned with blindness, low vision, the aging process and access to information.

The coalition seeks to end a situation of gross discrimination between access provided by carriers and the motion picture industry for people who are hearing impaired (which we applaud) and people who are seeing impaired.

Enclosed are statements from coalition organizations who care about visually impaired people and who understand the importance of increasing the availability of video description.

Only a mandate for program distribution organizations under FCC jurisdiction can jump-start equitable access for the ever increasing low vision and blind audience customer market.

A common theme in many of the comments is that video description is certainly a worthwhile service with social advantages - but

MORE



NATIONAL ASSOCIATION FOR PARENTS OF THE VISUALLY IMPAIRED, INC.

NAPVI

**Support
Information
Service**

January 30, 1995

Dr. Margaret Pfanstiehl
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**EXECUTIVE
DIRECTOR**

Susan LaVenture
Bow, NH

Dear Dr. Pfanstiehl,

A principal way that our American culture expresses itself is through motion pictures. During the past decade there has been major growth in the area of entertainment through visual stimulation and communication. Unfortunately blind individuals of all ages will be left out if the motion picture industry does not adapt and progress by using audio description. Audio descriptive movies contributes to blind person's independence. A blind child, teenager, or adult could see a movie on their own just as a sighted person would. No longer would the individual have to depend and rely on others to describe the movie for them.

Audio descriptive motion pictures is a perfect solution to keep blind children and adults an intricate part of their American culture and heritage. I have contacted our Board of The National Association for Parents of the Visually Impaired to inform them of your efforts. They have agreed to support and join the coalition that is being formed to encourage audio descriptive movies. Please contact us if you need further assistance.

On behalf of NAPVI
Sincerely,

Susan LaVenture

Susan LaVenture
Executive Director

The numbers game

Numbers are frequently cited. There seems to be common agreement on 23,000,000 for people who are deaf or hard of hearing. For the blind and low vision population the figure of 8,000,000 is quoted by many organizations who wish to see video description postponed or never provided. Those of us who are professionals in work for the blind strongly believe that the real figure is at least 12,000,000. The smaller numbers of blind people in comparison with the deaf population is seen as a legitimate reason for greatly reduced services to the blind.

Both the deaf and the blind suffer from severe sensory deprivations. The level of services for blind people should not be based upon the fact that there are fewer blind than deaf. Twelve million plus others who also would benefit from video description is already a significant number of people who have been kept waiting years too long for services comparable to those available today for deaf and hard of hearing people.

Many commented that description services are still relatively new. Compared with closed captioning this is true, but we must look back historically to when closed captioning was only six years old as description services on television are now. By that point in captioning's history most prime time television programs were captioned. Today not even one program on the commercial networks has been described. Blind people have only a few programs on PBS plus the movies described and paid for by the Narrative Television Network on cable open channel.

It is inconceivable that the federal government and/or private industry should believe that it is justifiable to create the highly effective captioning services for deaf and hard of hearing people while at the same time blind and low vision people must wait for "increased demand" or let the marketplace somehow take care of it. This is a prescription for maintaining the status quo indefinitely.

Doing nothing for blind and low vision people is rank discrimination.

There is a untapped market waiting to be developed. And blind people, like deaf people, also pay taxes.

Undue Burden?

Several small production companies and television entities are fearful that they could not afford description costs. I stated in my original comments that the needs of the blind are not totally parallel to those of the deaf. In addition to whole categories of programming which would be unnecessary or impractical to describe, low budget productions as well as productions which will have only a relatively limited distribution should be exempt from any description requirements. But there is still a lot left which could and should be described.

Demand

By now most deaf and hard of hearing people are well aware of closed captioning because it is such a pervasive and widespread service that it has had an enormous impact upon their lives. The same cannot be said for video description and blind people.

There is so little video description on television (even the described PBS and NTN programming is not available everywhere) and also so little on video cassettes (approximately 100 titles which are primarily available in a limited number of libraries, or through mail order purchase) that the large majority of blind and low vision people literally do not know of the existence of video description in any form.

There are many small organizations serving various needs of blind and low vision people and there are two national consumer organizations of blind and low vision people. But the total number of people reached by all these organizations comprises only two to three percent of the population needing services and all too frequently does not even know they are available.

When closed captioning began there was enough money to create from the start a fairly effective service which could make a difference in peoples' lives. Not so for video description.

Deaf people think of themselves as belonging to a common "culture" united by sign language and institutions. It is much easier to organize people who can read print and drive cars.

In contrast, blind people cannot read print, drive a car, must have every piece of their mail read to them and in many cases must ask others to write letters for them. This is especially true of many people who lose their vision later in life.

The only way to increase the demand for video description is to create enough described programming and widely promote its availability. Today television does not do this even for its limited number of available described programs. As a result, description services do not yet have a real effect upon many people's lives. At present description is only a sample or novelty.

Deaf people were given this opportunity. Blind people are still waiting.

Equipment

The networks say video description should be postponed until digital systems are widespread because asking them to purchase analog equipment would force them to invest in equipment which will soon be obsolete. They say video description should wait until digital equipment is in place.

Certainly digital equipment is around the corner. In some cases it has already been installed. However, experts commonly cite from 8 to 10 years before the penetration of digital TV sets in homes would be high enough to justify abandoning analog transmission. To jump the gun and abandon analog equipment prematurely would cause stations to lose valuable ad revenues because the numbers of viewers would be smaller.

Even if it does require from \$300,000 to \$500,000 for the networks to install analog equipment to activate their SAP channels, amortizing these amounts over a considerable period of time should not place an undue burden upon the networks. Blind and low vision people should not be forced to wait for nearly ten years until the digital transition can be completely accomplished.

The Motion Picture Association of America (MPAA) cites a relatively low penetration of TV sets equipped with SAP channels in private homes. The Electronics Industries Association quoted a more optimistic figure. However, whichever figure is more accurate is beside the point as far as video description

is concerned. If there were sufficient numbers of described programs and their availability were well publicized, blind and low vision people would acquire the necessary equipment. We know of several who have not yet bothered because there is nothing yet available to interest them.

Of course, the advent of digital equipment with its multi channels is good news for everyone. Ultimately there should be enough channels available to satisfy the needs of both the blind population and those wishing for Spanish translations.

Who uses the SAP channel?

The National Cable Television Association and the MPAA raise the question of conflict between use of the SAP channel for either video description or Spanish language translations

As digital equipment becomes more and more prevalent these conflicts will become moot. But until then are we going to push aside the needs of blind and low vision people so these channels can be exclusively available for Spanish speaking people? Those concerned with advertising revenue would probably make this choice, but that does not make such a decision morally supportable.

Blind and low vision people cannot learn to see. But Spanish speaking people can learn to speak English. As a matter of fact, video description could be very useful for people trying to polish their English language skills.

I am enclosing a longer paper written in 1994 addressing this issue at the time of the hearings on The Hill concerning the Communications Act.

Copyright

Copyright issues were primarily emphasized by the MPAA though the subject was broached by other organizations. We emphasize that copyright issues have not been a problem to date because the limited numbers of described programs have been done with the blessing of the copyright holders.

In any case, descriptions are not separate entities or artistic products.

Descriptions are translations of essential visual elements into verbal presentations to make them accessible to people with little or no vision.

There is very little leeway in writing a good description. The first limiting factor is the short amount of time typically available during the natural pauses in dialogue or program narration. Often there are more visual elements which could be described than can make it into the final description.

The second limitation is the necessity to communicate the most important visual features in any scene which are essential to the plot advancement or development of the characters. Good describers must prioritize and make hard choices.

One could ask five or six well trained experienced describers to view scenes from a movie and ask each to write a description. The results would be amazingly similar. They all would need to communicate the same actions or background information.

We are enclosing a paper on "compelled speech" which also was written in 1994 when the American Civil Liberties Union raised this issue.

The copyright "issue" would, of course, be easily resolved by producers of television and video material building the described version into the original product, much as producers create edited versions of motion pictures with violence, sex or language content unacceptable for broadcast in their original form. No one complains that their artistic integrity is being violated because those modifications are simply necessary if the producer wants the revenue generated by licensing the product for broadcast.

If producers similarly knew that this product was required to be video described in order to be broadcast or transmitted by cable television, they would be delighted to produce that version -- and they would hold the copyright on it. There would be no need for others in the distribution chain to "tamper" with the copyrighted product. Alternatively they would voluntarily authorize the video description to be done by others rather than forego the revenues from broadcast of their product.

Hollywood isn't providing it

MPAA's comments to the FCC indirectly take credit for the described movies now available through the efforts and funding of Descriptive Video Service and the Narrative Television Network.

Actually, those programs are licensed -- for money -- to the describing organizations and description costs are paid by the describing organization, not by Hollywood. (An exception is *Schindler's List*)

Though facilitated by the Motion Picture Association of America, our talks with home video producers and the largest distributor of home videos reveals an Alphonse and Gaston stalemate: show us a market and we might do it.

The MPAA says it "will respond positively as demand for video described programs increases". They prefer the voluntary approach. But based on our 3/29/96 recent meetings with motion picture studios we see no evidence that this will develop any time soon.

In 1994, after testifying on the Hill and holding a news conference, my husband Cody and I finally met with officials of the MPAA in our attempt to help them open the home video market for blind and low vision people. We wanted the major Hollywood studios to do for the blind what they were already doing for the deaf. We asked to meet with key figures from the movie industry to present our case.

A year later the MPAA set up those meetings.

In November 1995, with representatives from the two major consumer organizations of blind people and the president of the Narrative Television network who is blind, we met with senior officials of home video divisions of Paramount, MCA/Universal, Fox, Warner and Disney. Two MPAA officials were also present. On January 31st of this year we met with the president of Turner Home Video in Atlanta.

The studios indicated that if we could guarantee minimum sales of a few thousand for each title, they would consider paying to produce the descriptions.

On February 1, 1996 -- again facilitated by the MPAA, we met with the president of Blockbuster's Home Video in Fort Lauderdale. We considered the meeting with Blockbusters to be pivotal to meet Hollywood's requirements.

One of the obstacles to accommodating the blind population in the same manner they are helping the deaf is the dual inventory problem.

Presently there is no additional room on the video cassettes to carry the video, program sound, captioning and video description. This must wait a few years until digital cassettes and VCR's are readily available to the public. Meanwhile video stores must stock two versions of some titles -- one including closed captioning, the other with description.

Prior to our meeting with Blockbusters they had embarked on a very limited national test carrying 16 described videos produced by Descriptive Video Service in 10 of their 2400 stores. Aside from a press release in December 1995 and instructions to store managers apparently there has been no further publicity of any kind. They did not confer with organizations of and for the blind.

They did not say how long the test will continue. They will not purchase described videos in any number until the results of this marketing test are in. Because of the limited number of stores and the disadvantageous location of some of them, the lack of marketing and promotion, not to speak of the very limited choice (only 16 videos). Those of us in work for the blind fear the test will be used to "prove" that described videos are not wanted.

We have communicated our misgivings to both Blockbusters and Hollywood. As of this writing we have not heard from anyone. And in spite of MPAA's saying that Hollywood might proceed on a voluntary basis, Hollywood has proposed no immediate action.

Other uses

In my original comments I cited various examples of other uses for described television beyond helping the blind. These include help for students and adults with special learning disabilities, enrichment for people learning English, as a

convenience for sighted viewers engaged in activities which prevent them from focusing on the TV screen. I would like to add another.

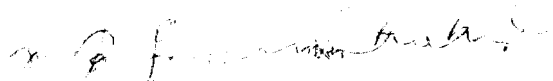
If car radios would carry the program sound for television broadcasts with descriptions the feature would be very popular.

Conclusion

There were many excellent comments on the value of video description. However, the networks, MPAA and some other organizations while paying lip service to the concept clearly cited any and every reason to forestall increasing the production of descriptions.

We believe that if descriptions for certain classes of programs are mandated for carriers, producers will find ways to accommodate this access in their budgets. They will profit in some measure by making their products available to more customers. And this cost of doing business will come down when there are reasons to produce descriptions in much greater volume. Even at today's rates, this cost is only a tiny fraction of the production costs for many television programs and movies.

Respectfully,



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THE METROPOLITAN WASHINGTON EAR, INC.

A radio reading service for the blind and physically handicapped

A NON-PROFIT CORPORATION

Margaret Rockwell Pfanstiehl, Ed.D.
President

May 26, 1994

TO: The Committee on Commerce, Science and Transportation

RE: Additional Testimony
Hearing on S. 1822, the Communications Act of 1994

FROM: Margaret R. Pfanstiehl, Ed.D.
President & Founder, The Metropolitan Washington Ear
Co-founder, the audio description
(descriptive video) movement

DESCRIPTIVE VIDEO, SPANISH & FOREIGN LANGUAGES, AND THE SAP CHANNEL

Our committee has been researching the current use of SAP channels. We do not find any government agency or private organization which keeps records. There is only limited anecdotal information.

More than 80 PBS television stations are using their SAP channels to deliver DVS (Descriptive Video Service) provided by WGBH in Boston. PBS is also providing Spanish dialog translations for some programs which are also described. When this occurs, such as for the National Geographic specials, PBS sends the program to its affiliates with both Spanish and described tracks. If the local station schedules the program twice, both groups can be accommodated.

NBC provides Spanish translations of some news and sports programs in areas with heavy concentrations of Spanish speaking people. However, sports and news have low priority for audio description. Most news programs are heavily narrated with no room for audio description. In addition, the verbal content adequately transmits the intended messages and the pictures, unlike in dramas, situation comedies and documentaries, are not vital to satisfactory understanding of the program. Sports events on radio where everyone is "blind" generally take care of themselves and are wall-to-wall talking anyway.

HBO is producing some Spanish translations, but their movies are aired more than once so both versions could be aired at separate times.

(MORE)

Technical advances today, or just over the horizon will make it possible to satisfy a wide variety of specialized needs.

For example, all TV sets now being sold must have a chip to bring in closed captions for the deaf. This chip has space for two channels for captioning, one in English and a second for another language. The Spanish captions could help not only the deaf and hard of hearing who require Spanish, but could also be used by hearing people who read Spanish but not English. It could function as a visual alternative to spoken Spanish translations over a SAP channel.

When digital and high definition TV become available there will be multiple channels to meet special needs of many groups without making forced choices.

Another alternative available to Spanish viewers of television is the simultaneous broadcast of Spanish translation over FM radio, as the Federal Communications Commission has permitted in Puerto Rico. see 47 C.F.R. § 73.1210; Dual Language TV/FM Programming in Puerto Rico, R.R.2d 515 (1975). The FCC approved dual-language programming "[i]n recognition of Puerto Rico's uniqueness as an officially bilingual community."

The Constitution does not mandate that speech be translated into a particular language for non-English speakers. See, e.g., Soberal-Perez v. Heckler, 717 F.2d 36, 40-42 (1983), cert. denied, 466 U.S. 919 (1984); Frontera v. Sindell, 522 F.2d 1215, 1218 (1975); Carmona v. Sheffield, 475 F.2d 739, 739 (1973). The central distinction between those who cannot speak English and the visually impaired or blind is that the vast majority of non-English speakers can learn to speak and understand English. See Puerto Rican Media Action & Educational Council, Inc., et. al., v. Educational Broadcasting Corp., 32 R.R.2d 1422 (1975).

Studies show that the Hispanic community, in particular, is learning English at a rapid rate. See K. McCarthy & R. Burciago Valdez, Current and Future Effects of Mexican Immigration in California (1986); C. Veltman, The Future of the Spanish Language in the United States (1988) (finding that for adults ages 15 to 45, 50-80% come to speak English on a regular basis).

Thus, for many Spanish speaking people Spanish translations are temporary while they are learning English. For blind and low vision citizens, audio description is permanently necessary. The blind cannot learn to see.

Finally, many in the Spanish speaking community are blind or visually impaired. If description services are greatly expanded, the Spanish speaking with visual difficulties who also know English will benefit from increased accessibility to television, a service which helps everyone with little or no vision to become better assimilated into mainstream society.

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June 3, 1994

Honorable Ernest F. Hollings
Chairman, Subcommittee on Commerce,
Science and Transportation
Honorable John C. Danforth
United States Senate
United States Senate Office Building
Washington, D.C.

Re: S. 1822

Dear Senator Hollings and Senator Danforth:

I am writing on behalf of the Washington Ear, Inc., and Dr. Margaret Pfanstiehl, a witness at the hearings you chaired on May 24, 1994. Dr. Pfanstiehl, you will recall, testified in favor of requiring that video programming distributed over the mass media be closed captioned and audio described for the hearing-impaired and seeing-impaired, respectively. At the hearing, Mr. Peck of the American Civil Liberties Union rendered his opinion that audio description would be violative of the First Amendment because it constitutes compelled speech. Because you and Senator Danforth evidenced some concern about this objection, the Washington Ear is responding to your invitation to supplement the record by this letter. It is our view, as set forth below, that there is very ample support for the constitutionality of the proposed measure; we feel confident that the imposition of this relatively minor¹ requirement on program distributors would pass muster in the courts.

First, it should be stressed that the law as proposed would not act directly on program producers, the creative talents whose First Amendment rights are most in issue. The law would simply provide that any video work which is distributed over media of mass communications (broadcasting, cable television, satellite) would

¹As mentioned at the hearing, the cost of audio describing a feature length film is in the \$3,000 to \$5,000 range. In the context of the multi-million dollar cost of producing a feature-length program, this cost is literally in the noise level.

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have to be audio described. No "artist" who felt that the addition of an audio description track to his work (a track accessible only by special equipment) violated the integrity of his work of art would be required to audio describe the program. The work could be maintained in its pristine state, accessible only to the fully sighted. However, the mass media distributors would not be permitted to distribute it.

The mechanics of the process would not be significantly different from those associated with the editing of motion pictures for current broadcast release. Under longstanding statutory provisions preventing the transmission of indecent material, broadcasters regularly delete words or situations from programs which might either be indecent or violate mass audience sensibilities. It is my understanding that this is accomplished by contractual agreement between the owner of the motion picture rights and the broadcaster or other mass media distributor. In effect, the program owner voluntarily agrees to slightly modify his work of art so as to gain access to the mass media audience. To our knowledge, no one has suggested that program owners are being "compelled" unconstitutionally to alter their "speech" because broadcasters must meet a government imposed prohibition on indecency. Objecting program owners can simply refuse to alter or permit the alteration of their work and are perfectly free to distribute the work by other means. This is precisely the manner in which audio description should work.

Of course, the Supreme Court has upheld Congress' authority to impose indecency restrictions on broadcasters, i.e., restrictions which fall short of obscenity for First Amendment purposes but which may nevertheless be regulated in a broadcast context. F.C.C. v. Pacifica Foundation, 438 U.S. 726 (1978). The Court had reasoned here that although the Communications Act prohibits the censorship of programs, it does not limit the Commission's authority to sanction indecent or profane broadcasting. Of all forms of communication, the Supreme Court noted, broadcasting has received the most limited First Amendment protection: "a broadcaster may be deprived of his license and his forum if the Commission decides that such an action would serve 'the public interest, convenience, and necessity.'" Id. (citing 47 U.S.C. § 309). See also United States v. Evergreen Media Corporation of Chicago, AM, 73 R.R.2d 1397 (1993).

By the same token, the FCC's rules currently require broadcasters to air a series of very precise and detailed messages to the public regarding their license renewal applications. 47 C.F.R. § 73.3580. Likewise, if a personal attack "upon the honesty, character integrity or like personal qualities of an identified person or group" is made "during the presentation of views on a controversial issue of public importance," the broadcaster must notify the person or group of the date and time of the broadcast, must provide a script, tape, or summary of the broadcast, and provide a reasonable opportunity for the person or group to respond over the licensee's facilities. 47 C.F.R. §

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73.1920. No one has suggested that it is a violation of the First Amendment for the government to "compel" broadcasters to air these messages as a condition of holding a broadcast license. Rather, the Supreme Court has explicitly contrasted broadcasting with print media, ruling that while the print media cannot be required to print replies from those criticized, the First Amendment "affords no such protection to broadcasters; on the contrary, they must give free time to the victims of their criticism." F.C.C. v. Pacifica Foundation, 438 U.S. 726 1978).

V Other examples of regulations imposed on broadcasters include ~~the requirement that~~ the requirement that broadcasters fully identify the sponsor of any political advertisement, or program involving "controversial" issues be identified periodically during the program, 47 C.F.R. § 73.1212; the prohibition against the broadcast by noncommercial stations of promotional announcements, particularly if the interrupt programming, 47 C.F.R. § 73.503; the requirement that stations identify themselves at the beginning and ending of operation, and hourly, as close to the hour as possible, including the call letters, the communities served, and the channel number (if television), 47 C.F.R. § 73.1201; the requirement that clear warnings be provided for all broadcast "hoaxes" (i.e., entertainment broadcast as news), 47 C.F.R. § 73.1217; the prohibition against the broadcast of lottery information, 47 C.F.R. § 73.1211 (recently upheld by the Supreme Court); the prohibition on noncommercial stations from editorializing, 47 C.F.R. § 73.1930; the requirement that dual language programming in Puerto Rico be monitored for "inappropriate" or "objectionable" content, 47 C.F.R. § 73.1210; the Commission's power to terminate emergency broadcasting by any station when "in the public interest," 47 C.F.R. § 73.1250; the prohibition against the broadcast of tobacco advertising, 15 U.S.C. § 1335; the requirement that if a broadcaster gives a political candidate airtime, it must provide all other candidates airtime, 47 U.S.C. § 315; and the duty of each broadcaster, under its obligation to broadcast in the public interest, to examine the needs of its child viewers, or risk losing its license. See In the Matter of Children's Television Programming and Advertising Practices, 55 R.R.2d 199 (1984).

It is also true that broadcasting is, by definition, a medium of mass communications. The spectrum assigned to broadcasting may only be used, by FCC regulation and international treaties, for broadcast purposes. A broadcaster could not, for example, decide to use his broadcast license only to transmit material to his family or to the employees of a particular firm or to the residents of a particular community. A broadcaster must broadcast; he must disseminate his program material to the audience at large. That is one of the conditions of his use of the broadcast spectrum. In the Washington Ear's view, to compel a broadcaster (or other mass media distributor) to make his program material available to the seeing-impaired is no more of an infringement on the First Amendment than insisting that the material be broadcast in the first place.

Under the ACLU's theory of the First Amendment, it would

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presumably be unconstitutional for the government to even license a "broadcast" service because to do so necessarily compels the broadcaster to disseminate his message to everyone in his viewing area, even though he might otherwise exercise his First Amendment right to not broadcast at all (an option prohibited under FCC rules) or to broadcast only to designated groups. In other words, once a medium is defined as mass communications, and uses the public airwaves or rights of way to deliver its message, the government may reasonably require that the medium be made accessible to the whole broadest audience, not just the fully sighted. The government is merely expanding the definition of what it means to broadcast.

Finally, as noted briefly at the hearing, audio description is conceptually a form of translation. It effectively translates visual material into audio material while preserving the meaning and spirit of the original. This is precisely the ~~task~~ ^{text} which a translator accomplishes in taking an English ~~test~~ and rendering it into another language. Governments regularly require persons to deliver messages in both English and Spanish. (For example, in the District of Columbia landlords must deliver eviction notices in both English and Spanish.) It is hardly "compelled" speech to require that key notices of this sort be rendered in a language which the recipient is likely to understand. [Insert cites] If the requirement to translate, therefore, does not constitute a prohibited compulsion of speech, it is difficult to see how "translating" video programming into a format accessible to the seeing-impaired is any different. For that matter, it is difficult to see how closed captioning can be distinguished from video description for constitutional purposes. If translating the spoken word into the written word is not compelled speech, neither is it compelled speech merely to translate visual material into aural material. Yet the ACLU, in its testimony, pointedly took no position on the issue of whether closed captioning somehow infringed unconstitutionally on the First Amendment.

The Supreme Court has stated that "the broadcast media have established a uniquely pervasive presence in the lives of all Americans," F.C.C. v. Pacifica Foundation, 438 U.S. 726, all, that is, except for the blind and visually impaired. To continue to exclude these citizens is to deprive them of the ability to fully participate in society. Thank you for the opportunity to address this issue. Please let me know if you would like any further input.

Yours very truly,

Donald J. Evans

MOVIE ACCESS COALITION

American Association of Retired Persons
American Council of the Blind
American Library Association
Association for the Education and Rehabilitation
of the Blind and Visually Impaired
Association for Macular Diseases
Blinded Veterans Association
Foundation Fighting Blindness
Gray Panthers
Macular Degeneration International
Metropolitan Washington Ear
National Association of Parents
of Visually Impaired
National Association for the Visually Handicapped
National Council on the Aging
National Federation of the Blind
National Organization on Disability
Prevention of Blindness Society
World Institute on Disability

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January 19, 1995

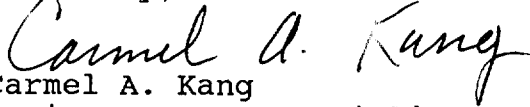
Margaret Rockwell Pfanstiehl, Ed.D.,
President
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Silver Spring, MD 20901

Dear Dr. Pfanstiehl,

The American Association of Retired Person's (AARP) Disability Initiative supports the concept of providing descriptive video services for persons who are blind or visually impaired. Descriptive video services provides access to more information and enjoyment of visual media and would be beneficial to older persons and all persons who are blind or visually impaired.

The Association is not commenting on the legislative aspect of this issue at this time.

Sincerely,


Carmel A. Kang
Senior Program Specialist
Disability Initiative

cc: T. Selby
J. Reed
K. Brunette



AMERICAN COUNCIL OF THE BLIND

1115 15th Street, N.W. • Suite 720 • Washington, DC 20005
Telephone (202) 467-5081 • Fax (202) 467-5085

Oral O. Miller, J.D.
National Representative

January 3, 1995

Dr. Margaret R. Pfanstiehl, President
The Metropolitan Washington Fair
35 University Boulevard East
Silver Spring, Maryland 2090

Dear Dr. Pfanstiehl:

I am the National Representative (Executive Director) of the American Council of the Blind, the major national consumer organization of blind and visually impaired people in the United States. We have 12 state and regional affiliates and 19 special interest affiliated organizations (see attached).

We are in close touch with thousands of blind and visually impaired people from all walks of life. Their needs and problems vary, but one of the common denominators is a strong desire to participate, as much as possible, in the common day-to-day activities of sighted family members, friends and coworkers. This definitely includes greatly increased access to motion pictures.

Described live theater performances have been here since 1981. I attended the first described play at Arena Stage in Washington, D.C. It was one of the high points of my life.

Described television and movies have been a reality for nearly five years but so far the small number of accessible programs are only teasers to show what the service should be. By now the movement should be much closer to the services provided for the deaf and hard of hearing.

I understand that the major studios are already paying for closed captioning of these movies. Failure to do the same for blind and visually impaired people is rank discrimination against this growing group of people.

Recognizing the needs of people with little or no vision will give the industry access to an increased audience of 12 million people plus their families and friends and earn the praise of many national organizations and individuals.

This is an accessibility issue. Attending and watching movies is a common pastime in this country -- if you can adequately see the screen. Access to movies through well written and voiced description is more than mere enjoyment of the film itself. It is also access to knowledge of the visual elements of the larger culture reflected in these movies. The social and interpersonal lives of blind and visually impaired people are

Dr. Margaret Pfanstiehl
Page 2

truly improved when they can fully share the film-going experience with family and friends.

This nation is becoming increasingly aware of and sensitive to accessibility issues. By cooperating in this important endeavor, the motion picture industry will earn the undying gratitude of all blind and visually impaired Americans, their families and their friends.

I applaud your efforts to persuade the motion picture industry to provide description accessibility for movies.

ACB will use its resources to work with you in every possible way to bring about greatly increased descriptions for movies and television programs.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Oral O. Miller". The signature is fluid and cursive, with the first name "Oral" and last name "Miller" clearly distinguishable.

Oral O. Miller
National Representative

AMERICAN COUNCIL OF THE BLIND

1155 15th Street, NW, Suite 720 Washington, DC 20005

202-467-5088 800-424-8666 FAX: 202-467-5085

STATE/REGIONAL AFFILIATES

Alabama Council of the Blind
Alaska Independent Blind, Inc.
Arizona Council of the Blind
Arkansas Council of the Blind
California Council of the Blind
ACB of Colorado
Connecticut Council of the Blind
DC Association of Workers for the Blind
Delaware Council of the Blind
and Visually Impaired
Florida Council of the Blind
Georgia Council of the Blind
Aloha Council of the Blind
and Visually Impaired
Hawaii Association of the Blind
Idaho Council of the Blind
Illinois Council of the Blind
ACB of Indiana
Iowa Council of the United Blind
Kansas Association of the Blind
and Visually Impaired
Kentucky Council of the Blind
Blue Grass Council of the Blind
Louisiana Council of the Blind
ACB of Maine
ACB of Maryland
Bay State Council of the Blind
Michigan Council of the Blind
and Visually Impaired

ACB of Minnesota
Mississippi Council of the Blind
Missouri Council of the Blind
ACB of Nebraska
Nevada Council of the Blind
New Jersey Council of the Blind
ACB of New York State
North Carolina Council of the Blind
North Dakota Assn. of the Blind
ACB of Ohio
Oklahoma Council of the Blind
Oregon Council of the Blind
Pennsylvania Council of the Blind
Association Por Puertoriquenos Ciegos
Rhode Island Regional Council of
the Blind and Visually Impaired
ACB of South Carolina
South Dakota Association for the Blind
Tennessee Council of the Blind
ACB of Texas
Utah Council of the Blind
Vermont Council of the Blind
Old Dominion Council of the Blind
and Visually Impaired
Virginia Association of the Blind
Washington Council of the Blind
Mountain State Council of the Blind
Badger Association of the Blind
Wyoming Council of the Blind

NATIONAL SPECIAL INTEREST AFFILIATES

ACB Government Employees
ACB Radio Amateurs
ACB Social Service Providers
American Blind Lawyers Association
American Council of Blind Lions
Braille Revival League
Council of Citizens with Low Vision, Int'l.
Council of Families with Visual Impairment
Council of Rehabilitation Specialists
Friends-In-Art of ACB, Inc.

Guide Dog Users, Inc.
Independent Visually Impaired Enterprises
Library Users of America
National Alliance of Blind Students
National Association of Blind Teachers
Randolph-Sheppard Vendors of America
Visually Impaired Data Processors, Int'l.
Visually Impaired Informational Specialists
Visually Impaired Veterans of America



**Association for Education and Rehabilitation
of the
Blind and Visually Impaired**

January 6, 1995

Dr. Margaret Pfanstiehl
The Metropolitan Washington Ear, Inc.
35 University Boulevard, East
Silver Spring, MD 20901

Dear Dr. Pfanstiehl:

On behalf of the 5,000 professionals represented by the Association for Education and Rehabilitation of the Blind and Visually Impaired (AER), thank you for the opportunity to participate in the effort to expand audio description services for persons who are blind or visually impaired.

As educators and rehabilitation workers we witness on a daily basis the importance of accessible social/recreational activities for persons who are blind and visually impaired. Indeed, such accessibility is crucial for the emotional well-being of these individuals and for their family and friends. Audio description has proven to be an important and successful accessibility service and its availability should be increased to include first run motion pictures (and, of course, the video releases which follow).

Please keep us apprised of your progress on the west coast and let us know if there is anything we can do to further assist Metropolitan Washington Ear in promoting audio description within the motion picture industry and to its representatives at the MPAA.

Sincerely,

Barbara McCarthy
President

Kathleen Megivern
Executive Director



American
Foundation
for the Blind

11 Penn Plaza
Suite 100
New York, NY 10001
Tel: 212 502.7600

*Incorporated
in 1921*

January 26, 1995

Dr. Margaret Pfanstiehl
The Metropolitan Washington Ear, Inc.
35 University Boulevard East
Silver Spring, MD 20901

Dear Dr. Pfanstiehl:

The American Foundation for the Blind believes very strongly in the effort to expand video description. We have long felt that full participation in our society requires that blind or visually impaired people be able to independently gain access to the cultural, social, and educational programming included in all aspects of video programming.

One of the ways in which I obtain information about our visual culture and keep up with what my colleagues are seeing is by watching movies on television. Just like everyone else, I am interested in first-run films. However, unlike everyone else, I don't get all the information.

Key elements on the screen are too often not apparent. Action which is not indicated by the dialogue and elementary scene setting (such as who is outside or inside a room) are all inaccessible to a blind person without video description.

Once the description is added to a film, it can become accessible to us in home video form and, as the technology becomes available, in movie theaters, just as audio description is now available in hundreds of live theaters. Otherwise, we will not be getting all the information. I could go to the movies and get full service for the full price I pay.

Motion picture studios now can show concern and goodwill by beginning to add post-production descriptions to their major release films for TV and the home video market.

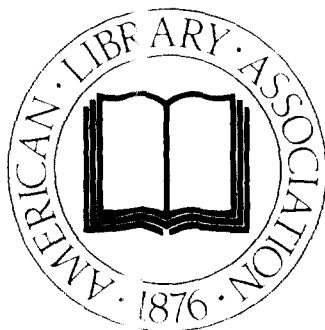
It is time for the motion picture industry to take a leadership position in today's information world.

Sincerely,

Carl R. Augusto
President

CRA:woe

AMERICAN LIBRARY ASSOCIATION



50 EAST HURON STREET

312-944-6780

TELEX 4909992000 ALA UI

CHICAGO, ILLINOIS 60611-2795

800-545-2433

FAX: 312-440-9374 TDD: 312-944-7298

U.S.A.

January 5, 1995

Dr. Margaret Pfanstiehl, President
The Metropolitan Washington Ear, Inc.
35 University Blvd., East
Silver Spring, Maryland 20901

Dear Dr. Pfanstiehl:

On behalf of the 55,000 members of the American Library Association, I want to express our strong support for your efforts and join you in urging the Motion Picture Association of America to quickly increase the use of audio description for the visually impaired.

Librarians have long been concerned about removing all barriers to library and information services. Many of these efforts pre-date the current Americans with Disabilities Act. One of our member divisions, the Association of Specialized and Cooperative Library Agencies, is particularly concerned with providing access to library services for the blind and visually impaired.

Recently, as a few film titles with audio descriptions have become available, we find that libraries are adding them to their circulating video collections. These films are in high demand with the blind and visually impaired and their families. Like closed captioning for the deaf, descriptive videos allow individuals with visual impairment to enjoy films with their families -- sometimes for the first time.

One of our members in the Washington, D.C. area has volunteered to represent ALA in your coalition's effort. He is Stephen Prine, of the National Library Service for the Blind and Physically Handicapped at The Library of Congress, Washington, DC 20542, telephone: 202-707-9245. Please let Stephen know about your next meeting. I would also appreciate it if you would notify Lynne Bradley in our Washington Office, 110 Maryland Ave., NE, Washington, DC 20002, telephone: 202-547-4440.

I wish you success and look forward to hearing of your progress.

Sincerely,

Elizabeth Martinez
ALA Executive Director